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Security Council

Fifty-eighth year

Provisional

4853rd meeting

Thursday, 30 October 2003, 10 a.m.

New York

President:	Mr. Negroponte	(United States of America)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2003/996)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-58669 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2003/996)

The President: I should like to inform the Council that I have received letters from the representatives of Albania, Italy, Japan, Serbia and Montenegro and Ukraine, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Šahović (Serbia and Montenegro) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Harri Holkeri, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK).

There being no objection, it is so decided.

I invite Mr. Holkeri to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/996, containing the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

At this meeting, the Security Council will hear a briefing by Mr. Harri Holkeri. As this is the first appearance of Mr. Holkeri in his capacity as Special Representative of the Secretary-General and Head of Mission of UNMIK, although he is definitely no stranger to these halls, on behalf of the Security Council, I extend a warm welcome to him.

I call on Mr. Holkeri.

Mr. Holkeri: I arrived in Kosovo to begin my mission as Special Representative of the Secretary-General 11 weeks ago. I had hardly been on the ground for half an hour when someone fired several rounds of bullets at a group of children swimming in a stream. Two Kosovo Serb boys were killed and two were seriously injured that day in Gorazdevac. That incident may well have been intended to be a message for me. There have been previous cases in which violent acts were timed to coincide with high-level international visits or heightened international progress on Kosovo. However, it only strengthened my resolve to start my mission.

Last week I visited a military hospital in Belgrade, where one of the seriously wounded, Bogdan Bukumiric, is recovering. He asked me how the investigations were progressing. I told him that it was our responsibility to do our utmost to bring to justice those responsible for the crime. But, echoing the message that I have delivered to so many in Kosovo, I told him that we needed the help and cooperation of ordinary people to ensure that justice was done. Unfortunately, as in many other societies, investigators run up against a wall of silence due to fear and intimidation. My young friend Bogdan and his generation need a future in which there is no threat of violence. I am convinced that the overwhelming majority of the people of Kosovo, regardless of their ethnic background, are against the use of violence.

In addition to the shooting at Gorazdevac, several other senseless, violent incidents shook Kosovo in the weeks that followed. I have made it clear to Kosovo's leaders that issuing statements of sorrow is not enough. I have urged them to get out of their offices and explain to their constituents in towns, villages, workplaces, schools and families that violence must stop. It harms

Kosovo. Far too many people silently tolerate ethnically based violence. This must be opposed.

The attacks can resume at any time. Extremists from one side or the other may again try to influence the international perception of Kosovo to discredit the peace-building activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR), or they can resort to violent acts to dissuade internally displaced persons (IDPs) and refugees from returning.

The overall security situation has vastly improved across most of Kosovo, but the dramatic advances enjoyed by the majority community have not been felt by all. The rule of law is being openly flouted in many places around Kosovo. Combating these phenomena will require upholding intensive cooperation between UNMIK's Police and Justice Pillar, with the full engagement of the Kosovo Police Service (KPS), and the NATO-led peacekeeping force. KFOR continues to do excellent work in ensuring a safe and secure environment throughout Kosovo. We count on their continued, robust support.

The Kosovo Police Service, now numbering nearly 6,000 servicemen and women, is increasingly qualified to handle more advanced police activities. As a result, UNMIK police have begun gradually reducing their presence. Similarly, the judiciary is also increasingly being staffed and run by local residents. The exclusive use of international judges on trial panels is rapidly diminishing as members of the local judiciary demonstrate the ability to take on difficult cases.

Still, much remains to be done to improve the security situation in Kosovo. Security and the rule of law remain my highest priority, as both are indispensable for progress on so many other key issues, including returns and economic development.

The violent incidents of this past summer have had a serious effect on the perception of security in minority communities. Clearly, if internally displaced persons fear for their safety they will not return to their homes. Inter-ethnic violence should not be allowed to hamper the positive trend in returns, which was supported by the open letter signed at the beginning of July by the Provisional Institutions of Self-Government and addressed to the IDPs, urging them to return. This commendable commitment was further backed up by the allocation by the Provisional Institutions of €7 million from the Kosovo consolidated budget to funding returns projects. This is a most welcome and constructive development.

Overall, freedom of movement has continued to improve in most parts of Kosovo as UNMIK has provided or facilitated transport services for minority communities. The challenge remains to ensure that all municipalities, and particularly those that are to receive returning IDPs, show a clear commitment to a tolerant, multi-ethnic society.

Let me take this opportunity to remind you that returns require timely planning and sufficient financing to be successful. Donor funds for 2004 should be released early enough to allow the projects to be duly prepared.

Another fundamental objective is the direct dialogue between Pristina and Belgrade. Much of my time has been occupied in preparing the launch of this important process. My aim has been to translate the political commitment of the Thessaloniki European Union-Western Balkans Summit, where both Belgrade and Pristina accepted the dialogue process, into a concrete and effective framework for communication between the parties.

This has proved to be a challenging and strenuous effort. Prime Minister Rexhepi has consistently conditioned the Government's participation in the dialogue on the consensual approval of the main coalition parties or a consensus of the Assembly. In my view — and this view is largely shared by the international community — the Government must promptly decide to engage in the technical talks. The Prime Minister and his respective ministries should determine without further delay how best the Government can contribute to the process. Furthermore, some Kosovo Albanian political leaders have made their participation in any talks conditional on changes in the governmental responsibilities and structures as well as the establishment of new ministries, including in reserved areas.

There cannot be any linkage between the dialogue process and enhancement of the responsibilities and structures of the Provisional Institutions. Such bargaining is not acceptable. Dialogue is one of the standards approved by the Security Council. As to the transfer of further competencies beyond chapter 5 of the Constitutional Framework, the Security Council, I am sure, will provide the necessary guidance.

Failure of the Government and the coalition parties to accept responsibility for contributing to the achievement of this particular benchmark resulted in the launching of the talks in Vienna on 14 October 2003 with the participation of only two out of three institutional leaders — Mr. Rugova, President of Kosovo, and Mr. Daci, President of the Kosovo Assembly. I commend their political courage and responsible action. It is regrettable that the Government's absence prevented a multi-ethnic representation from Pristina at the Vienna meeting. I appreciate that despite this fact Prime Minister Zivkovic and Deputy Prime Minister Covic decided to come.

The Belgrade and Pristina delegations sat on either side of me in the historic Congress Hall of the Austrian Federal Chancellery. An impressive array of representatives of the international community at the highest level was present. It is known that the Belgrade and Pristina delegation members did not interact, but at that first encounter they did listen carefully to what the other side had to say and, in certain areas, their comments provided encouraging signals that progress could be made. The international community's representatives offered words of encouragement to the participants to proceed with the dialogue, emphasizing this as one of the eight benchmarks that should be fulfilled before talks on final status or future status can begin.

Now our task is to maintain the momentum and to move forward. The four working groups with multi-ethnic representation on the Kosovo side must be promptly established and begin technical talks in Belgrade and Pristina at the expert level. That, too, is likely to be an uphill struggle. I appeal to this Council and to the international community as a whole to provide continued support for the dialogue process. Speaking with one voice as they did in Vienna is of utmost importance.

While these efforts are ongoing, the Provisional Institutions of Self-Government and UNMIK are now intensely focused on a joint plan for implementing the eight benchmarks. We are closely coordinating with the Office of the Prime Minister to develop achievable goals within agreed time frames to enable the Provisional Institutions to meet standards. The joint plan should offer clarity both to the people of Kosovo and to the international community on implementation of the standards and the evaluation of progress.

I have focused primarily on security, returns, dialogue and standards, but there are serious challenges in other areas as well. Kosovo's economy is showing progress. Tax revenues and customs duties exceed expectations. Necessary management changes for Kosovo's most intractable problem in the economic sphere — the unstable and inadequate electricity supply — have been agreed with the Government. Unemployment remains at about 57 per cent overall and is even higher for women and young people. Privatization is essential and certainly the only hope in addressing this challenge.

However, the Kosovo Trust Agency (KTA) is expressing concerns related to immunity of its personnel and the legal platform provided by the current KTA legislation. This is adversely affecting the privatization process. Further discussions on these issues are necessary in order to facilitate the effective implementation of the privatization process, which is vital to the economic development of Kosovo.

UNMIK is nearing completion of the agreed transfer of competencies in non-reserved areas to the Provisional Institutions of Self-Government based on the Constitutional Framework. We must ensure not only that non-reserved competencies are effectively transferred, but also that the Provisional Institutions are in a position to absorb the new responsibilities and to carry them out with the necessary technical competence and political fairness.

Kosovo's leaders are increasingly demanding that UNMIK also transfer competencies in reserved areas. I have told them that the Provisional Institutions' advance into reserved areas under the Constitutional Framework is beyond my mandate and will require action by the Security Council. At the same time, I have expressed my commitment to working with the Government to enhance its effectiveness in a true spirit of partnership. I have indicated my readiness to give favourable consideration to the establishment of new structures that may be needed for this purpose, always in conformity with resolution 1244 (1999) and the Constitutional Framework.

Meanwhile, Kosovo's democratic institutions, at both the central and municipal levels, continue to develop and are gradually improving their administrative skills and effectiveness. UNMIK will soon be receiving the Council of Europe mission's recommendations on decentralization in Kosovo, due

in mid-November. These should form a good basis for bringing democratic local Government closer to the people and increasing its efficiency. The process of decentralization is likely to be complex and lengthy and will depend on the ability of local representatives to take on additional responsibilities. However, even now much more needs to be done to provide functioning services to all citizens and to ensure respect for minority rights at all levels of governance.

It is of very serious concern that the Belgrade authorities continue to strengthen parallel structures in Kosovo, as evidenced by the recent unilateral appointment by the Coordination Centre for Kosovo of so-called regional and municipal coordinators. Belgrade must work with Kosovo structures and replace this unacceptable policy with a commitment to truly multi-ethnic organs of Government in Kosovo. Failure to change course will impede the development of genuine multi-ethnicity in Kosovo.

Parallel courts continue to function in the northern municipalities and even outside of Kosovo. This is really unacceptable. These parallel courts pretend to exercise jurisdiction in Kosovo. International arrest warrants that have no validity have been issued through these unauthorized structures against Kosovo residents. This has already caused serious difficulties and cannot be tolerated. Under resolution 1244 (1999), it is UNMIK that has jurisdiction and authority over Kosovo.

The short-to-medium term outlook for Kosovo is uncertain, but the strong desire of Kosovo's people to live in a peaceful, stable, lawful society is crystal clear. Infighting and jockeying for position among politicians in advance of elections in Kosovo and Serbia will continue to hamper our attempts to fulfil the tasks vital for implementation of UNMIK's mandate. The public is growing increasingly frustrated with the Government's apparent inability to tackle matters that affect its well-being. Continued high levels of unemployment are of special concern. The Provisional Institutions of Self-Government for their part are constantly blaming all deficiencies on what they perceive to be an absence of authority to deal with these matters.

These tensions — caused by Belgrade's continued support of parallel structures; the possibility of a renewal of ethnically-motivated violent attacks; and the resulting fears that continue to keep many internally displaced persons from returning to Kosovo — are all challenges that require us to maintain a firm commitment to the principles and objectives embodied in resolution 1244 (1999).

UNMIK, KFOR and the international community still have much to do together in Kosovo to ensure the fulfilment of standards. This will enable the Security Council to determine Kosovo's future status. We look forward to the continued support of the Security Council and the international community in meeting the ongoing challenges.

Mr. Atieh (Syrian Arab Republic) (*spoke in Arabic*): My delegation joins you, Mr. President, in welcoming Mr. Harri Holkeri, who is with us today. We congratulate him on his appointment as Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo. We also wish to thank him for his comprehensive and useful briefing on developments in the situation in Kosovo.

My delegation is pleased to hear Mr. Holkeri confirm the essential priorities of the Mission, namely, consolidating the rule of law, improving the security situation, strengthening the rights of minorities and returnees and promoting economic development. We support the Special Representative's focus on the need to improve the security situation in order to prevent acts of violence that could lead to a setback for the peace process and undermine the progress made thus far. We encourage Mr. Holkeri to participate in the preparations for the direct dialogue on practical matters between Pristina and Belgrade. That dialogue is one of the benchmarks required to fulfil the necessary standards before Kosovo's status can be addressed.

We are satisfied with the process of transferring non-reserved competencies to the Provisional Institutions of Self-Government in accordance with chapter 5 of the Constitutional Framework, so long as those responsibilities are transferred in a gradual and controlled manner and in cooperation with the Provisional Institutions of Self-Government. In that regard, we point to the need to adopt measures at the local level to improve the effectiveness of municipal administrations and their capacity to respond to the needs of citizens, as well as to overcome political obstacles that may have an impact on the work of municipal councils. In that connection, we underscore the need to ensure that recruitment for the civil service

is characterized by transparency and represents the ethnic balance of Kosovo's population. In addition, the participation of women must be ensured in order to guarantee the effectiveness of the public sector.

My delegation reaffirms the need to strengthen the rule of law and to protect the rights of ethnic minorities in Kosovo. There is also a need to combat organized crime, monitor the borders and prevent trafficking in weapons and drugs. We also emphasize the need to ensure the return of refugees and internally displaced persons under secure and safe conditions, as well as to guarantee the freedom of movement. That is an important concern to many minorities. In fact, the feeling of heightened insecurity has a negative impact on the return of refugees and internally displaced persons to their homes and properties; this produces an economic and social imbalance for the population of the entire region.

My delegation would also like to reaffirm and support the comments made by the Secretary-General in his report (S/2003/996), in which he says that economic and social development are important for strengthening Kosovo's stability and for attracting regional and international investors who could invest in many economic projects that could produce the economic development desired by the people of Kosovo.

In conclusion, my delegation would like to express its support for Mr. Holkeri. We are prepared to cooperate with him and with the United Nations Interim Administration Mission in Kosovo to ensure the security and stability of the province and of the Balkan region as a whole.

Mr. Duclos (France) (*spoke in French*): The Special Representative has given the Security Council a briefing in which he referred to the tragic events he has witnessed since his appointment. I would like to take this opportunity to reiterate that we are unfortunately all too familiar with the language of bombs and murder utilized by terrorists to communicate. I would also like to say that the memory of those who have died under such circumstances compels us to be particularly resolved in combating terrorism. I wish to reaffirm that resolve here. I would like to thank Mr. Holkeri for his briefing, which highlighted the priorities and prospects for Kosovo.

Mr. Holkeri noted in his briefing the importance of the role played by the European Union. We support that role and fully agree with the statement that will be made shortly by Italy on behalf of the presidency of the European Union. In addition to the comments to be made by the representative of Italy, I would like to emphasize the following points.

First, the international community remains determined to move forward on this issue in accordance with the "standards before status" formula. In other words, the international community believes that the issue of the Kosovo's future status cannot begin to be calmly and effectively addressed until the progress made to attain each of the eight standards is deemed to be satisfactory. The goals are familiar. The attainment of the eight standards endorsed by the international community will make it possible to proceed to building a modern, democratic and multi-ethnic Kosovo. In addition, that phase will be essential in the process of bringing Kosovo closer to the European Union. The Secretary-General's very comprehensive report (S/2003/996) makes it possible to assess the scope of the efforts that must still be made in each of the eight areas. I hope that the joint implementation plan that is being finalized will enable the Provisional Institutions of Self-Government to make active progress in that regard.

My delegation would like to refer to three of those standards today, without establishing any sort of hierarchy among them. First, with regard to relations with Belgrade, the direct dialogue between Pristina and Belgrade was launched on 14 October 2003 thanks to Mr. Holkeri's efforts. We welcome that development, which is in keeping with a priority of the international community as well as with the commitment entered into by the parties at the Thessaloniki Summit. Technical working groups must now work on four subjects of common interest. We call upon Belgrade, and in particular upon the provisional authorities in Pristina, to engage constructively in that dialogue, including by establishing representative delegations. It is not just a matter of implementing one of the eight standards; rather, it is a matter of concrete improvement in the daily lives of the region's inhabitants.

Secondly, I wish to refer to the return to Kosovo of displaced persons. We condemn the violence that took place this summer. That violence could have a deterrent effect for some time on those wishing to return. We were encouraged by the statements made by the Provisional Institutions of Self-Government

condemning that violence. We welcome their public commitment in favour of returns. We hope that the Provisional Institutions will now take the concrete measures necessary to prevent any repetition of such violence and to ensure that persons returning to Kosovo can do so in conditions of normal security and dignity.

Finally, allow me to speak about the goal of building functional and democratic institutions, which also applies to the local level of administration. The attainment of the goals of the international community takes place largely at the municipal level. We therefore attach great importance to the implementation of the decentralization plan. We encourage all stakeholders to implement as soon as possible the recommendations to be made on decentralization.

In conclusion, I reiterate to Mr. Harri Holkeri how much we appreciate the work he is carrying out in difficult conditions in Kosovo. We know how much investment that work will require, but we also know how important it is for the future of Kosovo and for the stability of the entire region. Mr. Holkeri can count on our full and abiding support. We call upon all stakeholders to cooperate constructively with him.

Mr. Akram (Pakistan): I join in welcoming Mr. Holkeri to the Security Council and thank him for his briefing. We compliment Mr. Holkeri on the work done in his first few months in office in implementing the provisions of resolution 1244 (1999), especially those relating to the promotion of substantial autonomy and self-government in Kosovo. The pace of work in the process of transferring responsibilities to the Provisional Institutions of Self-Government is proceeding satisfactorily, it seems. We are also pleased with Mr. Holkeri's acceptance of the proposals, which are in line with chapter 8 of the Constitutional Framework, to consider the transfer of additional responsibilities which are reserved for the Special Representative of the Secretary-General.

Further progress in the discussions in the Assembly of Kosovo, in spite of the difficulties therein, and progress at the local government level are positive developments. Here again, we congratulate the United Nations Interim Administration Mission in Kosovo (UNMIK) on its efforts to move ahead. The continued existence of parallel administrative structures, however, remains a matter of concern. Also of concern are the issues of security and freedom of movement. In spite of efforts by UNMIK to strengthen the rule of law, substantial problems remain.

We are pleased that there has been an increase in the return of refugees. However, further progress is needed on other issues, such as sustainable returns, minority rights and inter-ethnic integration. Here, despite the complexities involved, we support UNMIK's ongoing efforts.

While we support UNMIK's ongoing efforts to establish standards in Kosovo, we continue to have reservations about the standards-before-status approach. This is a unique approach; it has not been applied to other situations in similar circumstances. Standards-before-status, for instance, was not applied in East Timor or other disputed areas, such as Abkhazia or Western Sahara. Standards, we agree, are important, but they should not become an unnecessary obstacle to the early resolution of the future status of Kosovo. We recognize that the status issue in Kosovo is very complex and delicate, and may yet require patient, hard work to resolve. However, we feel that the status issue must be given its due priority and should be de-linked from standards. The development of standards should proceed independently. However, even if resolution of the status issue may take some time, it should not be conditional upon the achievement of standards which may be difficult to realize.

Pakistan therefore fully supports Mr. Holkeri's efforts in launching a direct dialogue between Pristina and Belgrade on practical matters. We hope that in due course this dialogue, once established, can become the basis for further discussions on the status issue. This may work in parallel with other mechanisms, including those aimed at allowing all the people of Kosovo to exercise their inalienable right to self-determination. The issue of status and the important principles that underlie it are too important for the Council to ignore or to put off.

One final word on UNMIK: while we fully recognize that the future of Kosovo is being viewed in the European context, the role of UNMIK must continue to be an international one. In that regard, we would like to see a greater geographical balance in the recruitment of senior UNMIK staff, particularly the principal international officers. Similarly, UNMIK must also continue to seek the widest possible international support for its key activities and

initiatives, especially in the United Nations and among the troop-contributing countries.

In conclusion, I once again commend Mr. Holkeri for his achievements thus far and assure him of Pakistan's continued support for his efforts to establish peace, stability and self-governance in Kosovo, with respect for the rights of all its people.

Mr. Pleuger (Germany): First, I join other delegations in thanking Special Representative Mr. Holkeri for his very comprehensive briefing. I also commend him for his work in his first few months of duty, and assure him of our continued support for his very difficult and important work.

Secondly, I would like to state that Germany fully subscribes to the statement that Italy will make shortly on behalf of the European Union.

The opening session of direct dialogue between Pristina and Belgrade in Vienna this month returned Kosovo to the headlines. This is because direct dialogue is rightly seen as pointing the way towards a solution to many of Kosovo's problems. We share the regret of Mr. Holkeri that the Kosovo Government was not represented there. We hope that this will change, because there is simply no alternative to direct dialogue right now. That is why Germany attaches high priority to getting effective working groups for direct dialogue under way as soon as possible.

Allow me to highlight some of the developments described in the Secretary-General's report, as also mentioned by the Special Representative.

The security situation in Kosovo is still very worrying. It has been reported that continuing violence in Kosovo has, sadly, again led to the deaths of innocent civilians and police. I repeat what has been said in the Council on many previous occasions: this violence is absolutely unacceptable. The horrible experience of the Kosovars in the Kosovo crisis and the atrocities committed against the Kosovo Albanian majority population in the past cannot in any way justify violence against the Kosovo minority population today. Any form of violent revenge and ethnic hatred is absolutely unacceptable.

This problem is directly linked to the benchmarks and the question of the future of Kosovo. Unless this violence ends and Kosovars of all ethnic communities feel secure in Kosovo, it will not be possible for displaced persons to return to their homes. The secure return of displaced persons is one of the benchmarks that must be met before progress can be made towards solving the status issue.

We call upon politicians in Kosovo to actively work against that climate of hatred, to condemn in unmistakable terms violence when it occurs and also to encourage the best possible cooperation of the various ethnic communities with the police in solving violent crimes. It is disturbing that, as pointed out in the report and by Mr. Holkeri, none of the criminals responsible for the murders recently committed have been identified.

In addition to an end to the violence, a successful returns policy will require an effective political decentralization plan. The international community must give high priority to elaborating such a plan in the next several months, a plan that provides for the needs of all communities. This will help build confidence and ease the negotiations between the parties.

On the other hand, the illegal parallel Government structures, which, as pointed out in the Secretary-General's report and by Mr. Holkeri, are supported by Belgrade, are still in place and are a significant hindrance to progress. We fully share Mr. Holkeri's remarks about parallel courts. These parallel structures must be eliminated immediately.

On the topic of benchmarks, we feel that it will be extremely helpful to have all benchmarks fully operationalized into a more detailed work plan. This will help focus work in Kosovo on what needs to be achieved, and will give the international community a clearer basis on which to judge progress. We hope that the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo institutions will be able to finish work on the operationalized benchmarks as swiftly as possible. These benchmarks should be closely linked with the measures that need to be taken by the parties in the region to advance their declared ambitions to move forward in the European stabilization and association process.

I would like to make some remarks on the legal difficulties that have arisen in connection with privatizing socially owned enterprises in Kosovo, as mentioned in the Secretary-General's report. The board of the privatization agency in Kosovo, the Kosovo Trust Agency, concluded that legal uncertainties prevented further progress on privatization of socially owned firms in Kosovo. It seems that the staff of the

Agency — and, indeed, of all UNMIK Pillar IV — are not presently covered by United Nations immunity. Therefore, individual staff members may be exposing themselves, as well as the agency, to unacceptable liability. This problem needs to be resolved quickly. In our understanding, UNMIK Pillar IV, including the Kosovo Trust Agency, is an integral part of the United Nations mission in Kosovo, just as the other Pillars are. We hope that the United Nations and its legal department will find a solution to this problem soon.

Rapid privatization is — and we agree with what Mr. Holkeri said on this — essential for making the best economic use of the assets that Kosovo possesses, and economic progress is essential to creating social and political stability. Therefore, it is necessary for privatization not to lag behind, as it does now, but to make rapid progress.

Let me close by returning to the topic of direct dialogue. We hope to see the working group sessions in all areas get under way next month. In addition to being an essential benchmark, direct dialogue is the single best way to build trust between the parties.

The groups of experts will address problems such as shortages of electricity and difficulties in travelling across borders that if eased will make a real difference in the lives of ordinary people. I was glad to hear from Mr. Holkeri that progress is being made in this regard. However, we understand that there is still great mistrust between the parties, which may make them hesitate. We believe they must focus on the many positive achievements they can make for their people by now talking to each other.

In conclusion, Germany stands ready to help facilitate this dialogue, but it is, of course, up to the parties themselves to make it work.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): Like our colleagues, we are grateful to the Secretary-General for his report. We are delighted to welcome Harri Holkeri, and we are grateful to him for his briefing.

The assessments in the report and those presented by the Special Representative of the Secretary-General are largely consonant with our view of the processes that are taking place in Kosovo. We have repeatedly stated that view at meetings of the Security Council.

We continue to believe that, despite some positive changes in bringing about substantial autonomy and self-government in the province, pursuant to resolution 1244 (1999), a number of important tasks are still very far from being resolved. Key demands of that resolution continue to be unimplemented, particularly those parts that refer to the non-Albanian inhabitants of Kosovo and the return of refugees and internally displaced persons.

There is no reliable and equal security for the entire population of the province. There are no equal fundamental rights and freedoms for everybody, including the right to fair employment conditions. There is no adequate representation of minorities, particularly of the Serbian minority, in the structures of the Provisional Institutions of Self-Government.

Despite an overall drop in the crime rate, serious incidents involving violence still take place, including incidents that are clearly ethnically motivated. Unfortunately, persons guilty of perpetrating a whole series of atrocious crimes against the representatives of the Serbian community in the province have still not been identified and therefore have not been duly punished. Suffice it to recall here the murder of a Serbian family in Obilić and an armed attack on Serbian school children in Gorazdevac. These crimes have no justification and are simply manifestations of terrorism. We note the steps taken by the international presence to apprehend the perpetrators and prosecute them.

However, we must also note that even the few positive changes that have taken place in the situation of the minorities and in support of the process of returning non-Albanian refugees to the province, changes noted in the report, were brought about, to a large extent, only thanks to the constant pressure exerted by the international community.

We fully agree with the Secretary-General's view that statements by the leaders of the Provisional Institutions of Self-Government regarding their commitment to multi-ethnicity must be backed by action. Unfortunately, we see that, in practice, those organs are very often continuing to disregard minority interests and are in no hurry to shoulder the responsibilities that they must assume in transferring the so-called non-reserved competencies, in conformity with the Constitutional Framework and resolution 1244 (1999).

Like other members of the Security Council, we are convinced that, unless there is radical change for

the better in these areas, the dream of building a multi-ethnic, democratic society in Kosovo will continue to be deferred. That will create unhealthy illusions in the minds of the extremist forces remaining in the province, which will in turn create a breeding ground for more violence.

With regard to the preservation of certain elements of the parallel structures in Kosovo, that problem must be resolved on the basis of mutually acceptable agreements. It is very important that such agreements be conducive to meeting the daily needs of all the communities — particularly the minority communities — in Kosovo.

We commend Mr. Harri Holkeri for assisting in the organization of the meeting that took place in Vienna on 14 October, with the purpose of launching a direct dialogue between Belgrade and Pristina on practical problems of mutual interest. We note that, at the Vienna meeting, both sides stated their support for the international community's efforts to launch such a dialogue and reaffirmed their willingness to facilitate its advancement in the working groups.

Of course, we cannot fail to express our regret that, at the Vienna meeting, the head of the provincial Government, Mr. Rexhepi, refused to participate. Nevertheless, we hope that discussions in the working groups on practical issues, such as the return of refugees and internally displaced persons, determining the fate of missing persons and cooperating in the areas of energy, transportation and communications, will begin very soon and that such discussions will be conducted in a non-politicized, businesslike and constructive atmosphere.

International efforts should be aimed essentially at full implementation of resolution 1244 (1999) and based on the agreed principle of "standards before status"; consideration of the political aspects of the problem of Kosovo — including Kosovo's future status — is premature at this stage. The Russian Federation will continue to participate actively in joint efforts to find a just, balanced and lasting solution to the problem of Kosovo.

Mr. Tidjani (Cameroon) (*spoke in French*): I should like to thank you, Mr. President, for the initiative you have taken in organizing this public debate on Kosovo. Indeed, over the past four months, that province has been at the centre of intense diplomatic activity. A key event was undoubtedly the appointment of Mr. Harri Holkeri as a new Special Representative of the Secretary-General. My delegation is pleased at his presence today to provide a comprehensive briefing to the Security Council on developments in the situation in Kosovo. I wish to take this opportunity to reassure him of Cameroon's support for his difficult mandate and his tireless efforts to promote the reconciliation process, to improve the rule of law and the security situation, to promote returns and minority rights, and to create and strengthen conditions for economic development beneficial to everyone. My delegation also thanks the Secretary-General for his comprehensive and very useful report (S/2003/996).

On 14 October, a direct political dialogue was established, for the very first time and at the highest level, between the Belgrade and Pristina authorities. That is a step that we hope will be decisive in establishing a climate of confidence among the parties, despite the non-participation of the Government, which we call upon to become urgently involved. Indeed, the parties must show political courage and a heightened sense of responsibility. Those elements can make the dialogue consistent and open up new prospects for reconciliation and peace. This new momentum, which carries hope, should be able to inspire and hasten negotiations in the four working groups on energy, missing persons, returns, and transport and communication, with a view to swiftly achieving decisive results on those practical aspects that can make life in Kosovo easier.

I wish to recall my country's attachment to the principle of "standards before status". That is why we firmly believe that the path taken on 14 October in Vienna is a good approach. It can guide the international community in its quest for a reasonable and lasting solution to the problem of Kosovo's final status. Such a solution, we think, can be achieved only when the benchmarks have been fully applied. The launching of a direct dialogue on practical questions of mutual interest between Belgrade and Pristina should, however, not conceal the admirable efforts undertaken within the Provisional Institutions of Self-Government in Kosovo.

Yes, it is undeniable that remarkable progress has been made in the unpredictable province of Kosovo, and we welcome that. But that progress, however remarkable, should not lessen our vigilance for even a moment. Indeed, it is clear from the report of the

Secretary-General and from the balance of Mr. Holkeri's preliminary briefing that violence in Kosovo with regard to minorities remains a living reality whose effects are seen in the low rate of returns of displaced persons and in the resurgence of intolerant and exclusionary behaviour, especially with regard to youth and in terms of education and health. Such attitudes, if we are not careful, could widen the current social breach. Kosovo's provisional authorities must do everything possible to curb those tendencies and to promote multi-ethnic and multi-cultural integration, particularly in this period, when there are great hopes at both the political and economic levels. Those authorities, who have just inherited the transfer of 19 competences reserved for the Special Representative of the Secretary-General — in conformity with the Constitutional Framework — and are preparing to receive 13 more before the end of 2003, should reassure the international community. In that context, I should like to refer to the security situation in this region of Kosovo, where the resurgence of violence — mainly against minorities — must be condemned and fought against, because it could eventually reduce to naught the progress achieved on returns, dashing the immense hopes aroused by Vienna.

Certainly, the United Nations Interim Administration Mission in Kosovo (UNMIK) remains resolutely committed to establishing the rule of law and to providing Kosovo with judicial institutions that conform to European standards. But UNMIK itself has not been spared from attacks, which for the first time have caused the deaths of international police officers. That once again raises the problem of the security of United Nations personnel, associated personnel and humanitarian personnel, which itself is a major concern for my delegation. We also fear that the new wave of this violence is targeted. If it persists, it could dull the international community's fervour and definitely jeopardize the process of reconciliation and inter-ethnic normalization in Kosovo. That would be a clear victory for extremists of all stripes. The international community must not resign itself to that. Any measure that it undertakes must necessarily proceed from the recommendations of those with a mandate on the ground who are experiencing Kosovo's daily realities.

In conclusion, my delegation would like to express its appreciation to Mr. Holkeri, Special Representative of the Secretary-General, for the quality of the work that he has accomplished in such a short period of time. We reiterate our thanks and words of encouragement to all the members of UNMIK, who are risking their lives each day to work tirelessly for the advent of a reconciled Kosovo.

Mr. Arias (Spain) (*spoke in Spanish*): Spain would like to express appreciation and gratitude to Mr. Holkeri for his comprehensive briefing to the Security Council. Spain fully endorses the statement to be made later by the Permanent Representative of Italy on behalf of the European Union.

We believe that the priorities established by the Secretary-General for the United Nations Interim Administration Mission in Kosovo (UNMIK) and reaffirmed with the appointment of the Special Representative remain fully in force. The restoration of the rule of law, the improvement of the security situation, respect for minorities — terrorist acts against minorities being particularly reprehensible — and economic development are all objectives that must remain on the agenda, since the success of the Mission will depend upon their fulfilment.

We believe that three fundamental elements must be taken into account if those objectives are to be achieved.

First, the Provisional Institutions of Self-Government and UNMIK must work together with a view to attaining those goals. In this regard, we should reiterate to the Albanian side that it cannot be an interlocutor at the negotiating table and an opponent on the ground — giving rise to suspicions of corruption on the part of UNMIK and issuing warnings to the Special Representative about the policies that he should pursue.

Secondly, Spain fully supports the "standards before status" policy. The establishment of objective benchmarks is essential, and their fulfilment will be required if that policy is to become fully operational through the work plan. Transfers must be carried out in an orderly manner in all areas, not only in relation to issues of internal justice, but also as regards privatization and the management of financial and customs issues.

Thirdly, we believe that dialogue must be maintained between Pristina and Belgrade, and both sides need to redouble their efforts to that end. The absence of key interlocutors in the process is highly regrettable, but we must not forget that it is the basic principle of all negotiations that preconditions not be

established that are unacceptable to the other side. For that reason, we call for technical working groups to be set up without delay so that the population can see tangible results on the ground as soon as possible.

Finally, I would like to ask Mr. Holkeri about the parallel institutions and the return of refugees. We would be grateful if he would tell us why the parallel institutions remain in place and whether measures have been taken for their eradication. Secondly, I would like to ask the Special Representative to explain why it is that the rate of return of refugees is still so low and what impact the local authorities and the security situation have in this respect.

In conclusion, I would like once again to thank Mr. Holkeri for his very commendable work.

Mr. Sow (Guinea) (*spoke in French*): My delegation would like to welcome Mr. Harri Holkeri and thank him for his comprehensive briefing, which provided us with further details about the development of the situation in Kosovo. His description of the situation there is in many respects encouraging. However, the international community and the people of Kosovo in particular must redouble their efforts to implement resolution 1244 (1999).

With regard to the functioning of the democratic institutions, my delegation appreciates Mr. Holkeri's decision to continue in a decisive manner with the policy of "standards before status", as well as the gradual transfer by the United Nations Interim Administration Mission in Kosovo (UNMIK) of the responsibilities listed in chapter 5 of the Constitutional Framework. We also appreciate the improvement in relations between the Government and the Assembly and the participation of all political groups in the meetings of that body; the establishment of the recruitment committee; the increasing determination of the Provisional Institutions to focus on the adoption of policies and laws conducive to meeting the specific needs of the population; and, finally, the establishment of an Inter-Ministerial Working Group on Gender Equality and, within the Assembly, of a Gender Equality Commission.

We encourage the authorities to continue their efforts to include minorities in central and local administrations, and we hope that UNMIK's mission performance management plan will achieve conclusive results.

We deplore the continued existence of the parallel structures and urge the Serbian authorities to cooperate more effectively with a view to reaching a definitive resolution of that question.

With regard to the rule of law, my delegation remains concerned about the ongoing violence, as well as the effects of such violence. It is likewise concerned about the situation prevailing in prisons and the problems associated with freedom of movement; appropriate solutions need to be found to those problems.

The progress made by UNMIK in setting up effective, solid judicial institutions, in combating serious crime, prostitution and trafficking in human beings, and in improving the Kosovo Police Service deserves support. We encourage the police cooperation that is taking place at the provincial and regional levels and the strengthening of the Kosovo Organized Crime Bureau.

Returns and the rights of minorities are sources of major concern, since the resolution of those issues could have a beneficial impact on the process of integration and reconciliation, which in turn could be conducive to the stabilization of the area. My delegation welcomes the number of returns registered during the reporting period, as well as, inter alia, the clearly more robust intervention by representatives of the Provisional Institutions, such as can be seen from the open letter by Albanian leaders and Kosovo minorities, and the provision of $67 million for that process.

Turning to the integration and utilization of public services, my delegation appreciates the work done by UNMIK and the United Nations Development Programme, which has made it possible for work to start on about 50 houses, as well as the work of the Housing and Property Directorate, which should be supported.

While we encourage UNMIK in its support for the initiatives to encourage returns and inter-ethnic dialogue, we await with interest the outcome of the evaluation process for this season, which will make it possible to better prepare a strategy for 2004. We hope that the draft anti-discrimination law submitted to the Kosovo Assembly will be given favourable consideration. Furthermore, we have taken note of the progress being made in the economic area, in particular in the fields of privatization and taxation. We welcome

this momentum and stress our concern about unemployment, an issue which must be definitively resolved.

We welcome also the work of the European Union's Stabilization and Association Efforts Tracking Mechanism, and we hope that the holding of sectoral meetings with the relevant Kosovo institutions will yield positive results.

Moreover, my delegation — which has always recommended dialogue between Pristina and Belgrade and encouraged regional cooperation — is grateful to Mr. Holkeri for his efforts, which have made possible the launching of direct talks on questions of mutual interest. We hope that the dialogue that took place on 14 October at Vienna, which is only the start of the process, will have a positive outcome.

We commend also the work done by UNMIK to promote direct cooperation between Belgrade and Pristina, which made possible the holding of meetings between officials of the Ministry of Labour and Social Welfare with counterparts from Belgrade.

On the question of the Kosovo Protection Corps, my delegation appreciates the steps taken by UNMIK and KFOR on its structure and functioning, in particular those measures aimed at increasing its professionalism and reliability and making it more operational. It welcomes the establishment of a high-level Civil Protection Development Group, co-chaired by Mr. Holkeri and the commander of KFOR. It stresses training as well as the importance of the multi-ethnic composition of the KPC. We await with interest the definition by UNMIK of the legal basis for KPC activities as a civil emergency agency.

With regard to support activities, we hope that the current downsizing strategy will in no way affect the process of the effective restoration of peace.

Finally, my delegation endorses the comments made by the Secretary-General in his report, and we thank his Special Representative and all the members of the Mission for the work they have done and reiterate our support for them.

Mr. Pujalte (Mexico) (*spoke in Spanish*): First of all, I wish to thank Mr. Harri Holkeri, the Special Representative of the Secretary-General for Kosovo, for his presence here today and also for having briefed us on the current situation and the prospects for Kosovo.

Since this is the first time that Mr. Holkeri has briefed the Security Council, I wish to express to him the Mexican Government's support for the work that he has begun at the head of the United Nations Interim Administration Mission in Kosovo (UNMIK). We are confident that his leadership will contribute to the development of Kosovo as a multi-ethnic, tolerant, democratic and prosperous society in which the rule of law prevails.

Undoubtedly, the launching on 14 October in Vienna of direct talks on practical matters between Belgrade and the Pristina authorities is an important step in the right direction, regardless of the composition of the delegations or of the immediate results achieved. It is important that the working groups begin to meet as soon as possible in order to discuss the four selected areas.

What will benefit the people of Kosovo most at this time is the resolution of vital practical issues, such as missing persons, the return of internally displaced persons and refugees, energy and communications. To resolve those problems is to take the path towards reconciliation and towards the creation of a climate not only of tolerance but also of greater confidence in the future. In this context, the monthly meetings that the labour and social welfare authorities in Belgrade and Pristina have been holding for some time now, virtually without mediation, are an example to be followed.

The parallel structures remain an obstacle to the normalization of life in Kosovo. It is important not only that Belgrade cease its support for their existence, but also that conditions be created that will allow the Serb minority to have confidence in the Provisional Institutions of Self-Government and in UNMIK. In this regard, the recommendations contained in the report of the Organization for Security and Cooperation in Europe on this subject can be very useful.

We are pleased to see that further progress has been made in the transfer of non-reserved responsibilities to the Provisional Institutions of Self-Government and that it is envisaged that that transfer will be completed by the end of this year. As we have already indicated, it is important that the process be consistent, both with resolution 1244 (1999) and with the Constitutional Framework.

We are deeply concerned at the attacks committed in recent months against members of the Serb minority, apparently on ethnic grounds and also at the increase in

the number of acts of violence against UNMIK personnel, which in both cases have resulted in loss of life. Not only do those acts deserve the most categorical condemnation on the part of all the political protagonists in Kosovo, but also, as Mr. Holkeri indicated, commensurate action must be taken. We hope that the setting up of special investigation teams by UNMIK will lead to the arrest of the perpetrators of those crimes, so that they will not go unpunished.

As concerns internally displaced persons belonging to minority groups, in particular the Serb minority, we have taken note of the increase in the number of persons who have been repatriated in the course of this year as compared to the same period last year. Nonetheless, as the report rightly indicates, this is a small percentage given the large number of displaced persons who remain outside of Kosovo, mainly in other parts of Serbia and Montenegro.

The sustainable return of displaced persons depends, to a great extent, on their finding acceptable standards of living upon their return, not only from an employment and economic standpoint, which is a basic requirement, but also in terms of safety, security and freedom of movement. It is understandable that the crimes committed in recent months have heightened the sense of insecurity prevailing among minorities, in particular the Serb minority. It is important that measures be taken to improve security conditions.

We have taken note of the efforts that are being made to progress in the establishment of the rule of law, including measures to increase the participation of women and of ethnic minorities in judicial institutions, including the courts, as well as in the Kosovo Police Service and the prison service.

My delegation is particularly pleased to see that progress has been made in mainstreaming the gender perspective and in the participation of women in public administration, including concrete institutional efforts such as the establishment of the Inter-Ministerial Working Group on Gender Equality and the introduction in the Assembly of a draft law on that issue.

Lastly, I should like to ask Mr. Holkeri whether he could provide us with further information on two matters that arose in September. First, can he amplify on the results of the weapons amnesty programme? Secondly, has there been progress in the investigation of the incident in the Dubrava prison?

We once again express our support to you, Sir, and our acknowledgement of your mission.

Mr. Gaspar Martins (Angola): First, I thank you, Mr. President, for convening this timely meeting on the situation in Kosovo. I also thank the Special Representative, Mr. Harri Holkeri, and commend him for his comprehensive briefing, particularly taking into account his recent appointment. It was a very thorough analysis of the situation. The proposals he brought to the Council are relevant and important.

Turning to the Secretary-General's report, my delegation wishes to express its appreciation for the progress that has been made towards the achievement of a substantial degree of autonomy during the period under analysis. At the institutional level, we note the gradual transfer of the non-reserved responsibilities listed in chapter 5 of the Constitutional Framework and the work of the Transfer Council. The current transfer of responsibilities from the United Nations Interim Administration Mission in Kosovo (UNMIK) to the Provisional Institutions remains an encouraging development of the political process in Kosovo. Political stability requires the formation of stable institutions through the establishment and strengthening of local democracy.

My delegation salutes UNMIK's effort in improving the operation and mechanisms of Kosovo's Provisional Institutions, which has resulted in a gradual increase of responsibilities and the promotion and application of hiring practices established in Kosovo's law concerning public administration.

We also note with interest the Government's presentation of quarterly plans and reports regarding its activities. We observe with equal satisfaction the normal functioning of the Kosovo Assembly, especially the decentralization of the municipal level and cooperation with the Government and UNMIK.

Another crucial element of this institution-building process is the strengthening of the rule of law, which should be done by enhancing the efficiency, impartiality and overall functioning of the judicial system, together with strengthening of law enforcement institutions. In that connection, we welcome the increase in the number of judges and judicial employees, as well as the rebuilding of the judicial infrastructure. These improvements should substantially enhance the capacity of the investigation

and prosecution of serious criminal acts, which still prevail.

We would like to express our serious concern about the lack of security, and to condemn all the acts of violence and terrorism that have been taking place, which Mr. Holkeri referred to this morning again. These are real setbacks for United Nations efforts to foster multi-ethnicity in Kosovo. They go against the spirit of resolution 1244 (1999) and the Constitutional Framework.

We encourage the role played by local leaders in the establishment of the reconciliation and inter-communal dialogue, with the aim of combating extremism and violence and, at the same time, promoting freedom of movement within the country and the return of refugees and displaced persons under conditions that provide real security.

Reinforcement of the Kosovo Police Service is another important step that will improve the security situation. We therefore welcome the crucial role played by UNMIK police in the transfer of knowledge and skills to the Kosovo Police Service in order to enhance security in minority areas and other sensitive locations.

We welcome the economic reforms in Kosovo, such as the privatization process of socially owned enterprises, the amendments to the tax law, the financial and operational audits and cooperation with the European Union's Stabilization and Association Process Tracking Mechanism. These are all very positive steps.

My delegation welcomes the most recent progress in the political process — the opening of talks between the Government of Serbia and Montenegro and the Kosovo Provisional Institutions, which were held in Vienna on 14 October. Thanks to the commendable efforts of Mr. Holkeri, the re-establishment of direct dialogue between Pristina and Belgrade on practical issues of mutual interest, such as energy, transportation, missing persons, refugees and internally displaced persons, is a substantial step towards the implementation of confidence- and security-building measures. It is a positive step towards the full implementation of resolution 1244 (1999). My delegation also expresses its hope that the parties will maintain their commitment to democracy and the rule of law by continuing that constructive dialogue.

We encourage UNMIK and the Special Representative, Mr. Holkeri, to maintain their very good work in order to add momentum to intensifying a constructive dialogue that should be further extended to include political issues and finally culminate in the achievement of concrete results. I reaffirm my delegation's full support for Special Representative Holkeri.

To conclude, we reiterate that the policy of standards before status remains a consistent objective in framing the future of Kosovo. We appeal to the parties to continue to work towards building a democratic, multi-ethnic and multicultural society, with full respect for the rule of law and minority rights.

Mr. Muñoz (Chile) (*spoke in Spanish*): We too wish to express our gratitude for the briefing by the Special Representative of the Secretary-General in Kosovo, Mr. Harri Holkeri, who has shed light on the situation on the ground. We completely agree with the Special Representative of the Secretary-General that without the rule of law, without returns and without economic development it will be impossible to fulfil the overall mandate of the United Nations Interim Administration Mission in Kosovo (UNMIK) to promote an autonomous and substantive self-government in Kosovo in accordance with Security Council resolution 1244 (1999).

In our opinion, a significant event took place in Vienna on 14 October 2003. Apart from any interpretation of the magnitude of the results achieved in Vienna, at least the beginning of the direct dialogue between Pristina and Belgrade on practical questions of mutual interest is a step that we hope will result in tangible improvements in the daily lives of the population.

We therefore encourage the working groups to discuss the four fundamental areas of the programme: energy, missing persons, the return of internally displaced persons and transport and communications. In this regard we would like to express our appreciation for the active involvement of the Special Representative of the Secretary-General in the preparations for the direct dialogue.

In our opinion there continues to be some significant progress in the transfer of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework to the Provisional Institutions of Self-Government. We encourage this progress, but it can be

complemented with further progress in the transfer of responsibilities given to the Special Representative, in accordance with chapter 8 of the Constitutional Framework.

The report also reflects limited progress in areas such as privatization and unemployment, and greater progress in income and customs services and in the establishment of a range of proposals to reform and amend fiscal policy in Kosovo during 2004. There have been improvements in the representation of women over the past year at the professional level and in the public sector. There has also been progress in work in the areas of housing and property in respect of claims over property in Kosovo.

In spite of all these positive factors and the progress achieved, it is regrettable that the perpetrators of the condemnable acts of violence against the Serb community in Kosovo, as well as those responsible for acts of violence against the authorities of the United Nations Interim Administration Mission in Kosovo (UNMIK), have not been apprehended. We want to condemn, as many others in this Hall have done, the acts of violence of August 2003 that took lives and caused casualties in Gorazdevac, Bica and the village of Cernica. Equally grave are the growing acts of violence against UNMIK staff who are there precisely to support the rule of law. We believe that this condemnation must be as vigorous and resolute as possible and we appeal strongly for efforts to be increased so that those guilty will not go unpunished, because impunity is an invitation to further acts of violence.

We appreciate measures taken by UNMIK to try to find the perpetrators of these violent acts and bring them to justice. We believe that any acts of violence, any ethnic discrimination or harassment based on ethnic grounds, runs counter to a multi-ethnic Kosovo and is contrary to the spirit of Security Council resolution 1244 (1999).

We are concerned that the Secretary-General's report (S/2003/996) indicates that the level of integration among the communities and the joint use of public services remains limited. There have been some gestures of support for the return process, such as the open letter signed by leaders of the Kosovo-Albanian population and non-Serb minorities, as well as the resolution adopted by the Kosovo Assembly in July 2003 in this regard. It is also noteworthy that public funds have been allocated by the Government of Kosovo for this process.

We agree with the Special Representative that the Provisional Institutions of Self-Government, the political entities of Kosovo and the representatives of communities should continue to work to achieve, within a political context, the "standards-before-status" benchmarks.

Lastly, in addition to the dialogue process between Belgrade and Pristina, the deepening of dialogue between UNMIK and the Kosovo Assembly can contribute, we believe, to the attainment of concrete results regarding the major challenges that lie ahead, challenges we believe must be met for the well-being of the population.

Mr. Zhang Yishan (China) *(spoke in Chinese)*: I would like to begin by welcoming Mr. Holkeri, the Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK), to the Security Council. I am grateful for his comprehensive briefing which will help us greatly in our appreciation of the latest developments in the situation in Kosovo.

We are pleased to note that, with the help of UNMIK and the other relevant participants, progress has been made in the building of institutions, refugee returns, economic improvements and the fight against organized crime.

Particularly noteworthy is that on 14 October 2003, the direct dialogue between Pristina and Belgrade finally began. With respect to the issues of energy, missing persons, refugee return, transportation and communications, four working groups of experts were established. That is a step in the right direction, which we welcome, towards the final and proper settlement of the question of Kosovo.

We appreciate the efforts of the authorities of Serbia and Montenegro to advocate, throughout this period, the settlement of differences through dialogue. We sincerely hope that the leadership of both sides will seize the moment to take part constructively in the dialogue and the follow-up to the work of the working groups, so that a specific outcome of the dialogue can be achieved at an early date. The final settlement of the question of Kosovo hinges upon the overall progress in the political, economic and social areas of Kosovo.

The benchmarks established by UNMIK remain important criteria by which to measure the progress in various areas in Kosovo. These benchmarks should be more detailed in nature, so they can become more operational. We have noticed that UNMIK is now working out an implementation plan and trying to establish specific standards and time frames for the achievement of these benchmarks and we hope its efforts will facilitate the early fulfilment of the benchmarks.

It is our hope that UNMIK, KFOR and the Kosovo Provisional Institutions of Self-Government, as well as other parties concerned, would intensify their efforts to improve the security situation in Kosovo, especially to guarantee the security and freedom of movement for Serbian and other minorities and to create favourable conditions for the return of minorities. The parties concerned should continue their efforts to establish a multi-ethnic society in Kosovo and to adopt specific measures to promote national reconciliation and create favourable conditions in order for all the ethnic communities to live together in harmony. In addition, the Kosovo Provisional Institutions of Self-Government should continue efforts to improve the economic environment and to promote economic progress.

Finally, I should like to reiterate the Chinese delegation's firm support for Mr. Holkeri and the United Nations Interim Administration Mission in Kosovo. We hope that the efforts of all the parties concerned will contribute to settling the issue of Kosovo as soon as possible.

Mr. Tafrov (Bulgaria) (*spoke in French*): I welcome the presence in the Security Council of Mr. Holkeri and to express Bulgaria's gratitude to him for his work to date in an extremely important and delicate mission and often in difficult circumstances. I also assure him of Bulgaria's full support in his tasks.

As an associate country of the European Union, Bulgaria supports the statement to be made shortly on behalf of the Union by the Italian presidency. I should like, however, to make a few comments in my national capacity.

Bulgaria thanks the Secretary-General for his report of 15 October, which contains an in-depth analysis of the efforts of the international community since 1 July 2003 to normalize life in the region. We support the conclusions made in the report and thank the Deputy Special Representative, Mr. Brayshaw, who served as interim Special Representative before Mr. Holkeri's appointment.

The main priority of the work of the United Nations Interim Administration Mission in Kosovo (UNMIK) must remain the implementation of resolution 1244 (1999). There is a need to accelerate and, in some cases, to enable the return of non-Albanian refugees in the context of guaranteed security in order to obtain the goal shared by the entire international community: a multi-ethnic and tolerant Kosovo. Bulgaria maintains its well-known position in favour of UNMIK's policy of "standards before status". A lasting solution to the problem of Kosovo can be found only if that policy is implemented in full.

It seems to us that the European Union's approach to Kosovo through its Stabilization and Association Process Tracking Mechanism, which allows the region to align its policies and legislation with those of the Union so as to prevent Kosovo's isolation from the broader context of South-East European integration into European structures, is extremely useful and should be further developed.

Bulgaria unreservedly supports the process of UNMIK's transfer to the Provisional Institutions of Self-Government of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework. This process is in conformity with the mandate and political logic of resolution 1244 (1999) and will allow the Provisional Institutions to develop their administrative and management capacities for the well-being of the people of Kosovo.

We support the efforts being made by UNMIK, KFOR and other international organizations working in Kosovo to establish the genuine rule of law and to ensure a normal life for all the citizens of Kosovo, irrespective of their ethnic origin. Bulgaria urges the political leaders of Kosovo to focus their energies on helping the Special Representative of the Secretary-General and head of UNMIK, Mr. Harri Holkeri, fully to implement resolution 1244 (1999). We deem it important that Kosovo politicians and the international community give greater attention to problems relating to the grey economy, organized crime and terrorism.

As to the socio-economic sector, the high rate of unemployment, corruption, smuggling and the traffic in illegal arms, drugs and human beings could imperil the stability of institutions that are still rudimentary, as

well as inter-ethnic relations. In this respect, Bulgaria wishes to stress its concern over acts of violence in Kosovo that have claimed innocent victims among Kosovo minority groups and UNMIK personnel. We believe that the acts of violence that have marked the beginning of Mr. Holkeri's mission only heighten ethnic tensions and pose a major obstacle to the international community's efforts to normalize life in Kosovo, since they prevent the return of refugees at the pace that the entire international community should like to see.

I feel compelled to mention the fact that my country continues to be deeply interested in the enquiry into the murder of the Bulgarian citizen Valentin Krumov, a United Nations staff member who was killed in Pristina in 1999. We hope that the perpetrators will soon be brought to justice.

Bulgaria also wishes to stress that the rule of law needs to be further enhanced. Minorities in Kosovo should be further integrated into central and local Government structures. Bulgaria welcomes the direct dialogue, launched on 14 October in Vienna, between Belgrade and Pristina. We thank the Special Representative for his role in that process and agree with the Secretary-General that the dialogue is one of the most important benchmarks for the implementation of the international community's "standards before status" policy. This dialogue is a major step towards normalization in Kosovo and the implementation of the benchmarks of the stabilization and association process. We hope that the dialogue, which was launched in Vienna on 14 October, will be expanded in the context of the groups of experts that are to continue work in November. It is both highly desirable and extremely important to improve and expand dialogue between Belgrade and Pristina at the local level — through, of course, the very useful mediation provided by UNMIK.

In conclusion, my delegation hopes that Bulgaria's diplomatic liaison office in Pristina, which was established at the beginning of October 2003, can contribute to the efforts of the international community to resolve the issue of Kosovo.

Mr. Thomson (United Kingdom): Like other speakers, I would very much like to welcome the first report of Special Representative Harri Holkeri to the Security Council.

I associate my Government with the statement to be made by Italy on behalf of the European Union. Because most of the important points have already been covered in this debate, I will try not to be comprehensive but to touch on just a few points of importance to the United Kingdom.

First, I would like to congratulate Special Representative Holkeri on the launch of the Belgrade-Pristina talks in Vienna. He can count on my Government's full support. The direct dialogue between Belgrade and Pristina is an opportunity to normalize the lives of the people of Kosovo irrespective of their ethnicity. Therefore, like others, we were disappointed that the Kosovo delegation was neither representative of the Provisional Institutions nor multi-ethnic. Mr. Holkeri diplomatically described that as regrettable. The meeting could have shown that Kosovo's Government is genuinely committed to normalization and a true multi-ethnic society. They need to show that. The Provisional Institutions now have a key role in the working groups. It is vital that all parties should now constructively engage in those working groups.

We would also like to support Mr. Holkeri's proposal to examine the further transfer of competencies that do not prejudice Kosovo's status under Security Council resolution 1244 (1999). However, as Mr. Holkeri said very clearly, that process cannot be linked to the Belgrade-Pristina dialogue. Mr. Holkeri quite rightly said that bargaining over that is not acceptable. The transfer of competencies is an issue that can be agreed upon only by the Special Representative of the Secretary-General and, ultimately, by the Council.

I think it is important to reiterate this morning my Government's support for the Council's well-established commitment to the policy of "standards before status". It is important too that Mr. Holkeri should hear clearly from the Council that that has been, and remains, the Council's approach. Many others around the table this morning have underlined that. The Council has, over years and months, looked carefully at the particular circumstances in Kosovo. Committed as we are to multi-ethnicity, to democracy and to prosperity in Kosovo and the region, it seems, to my Government at least, essential to make progress on standards before final status comes to be addressed.

I should like now to touch even more briefly on four other particular points.

The first pertains to the Kosovo Protection Corps (KPC). We are concerned about the existence of extremist and criminal elements within it. We welcome the joint investigation by the United Nations Interim Administration Mission in Kosovo (UNMIK) and KFOR. The KPC has come a long way since 1999, and the process of weeding out members with extremist connections appears successful. But the development of the KPC remains a key priority of the United Kingdom.

My second point has to do with our concern about allegations and rumours of corruption surrounding both locals in Kosovo and internationals. I would like to stress our full support for United Nations efforts to tackle that matter.

My third point, like many other speakers, is to say a word on returns. We welcome the "open letter" initiative by the Provisional Institutions. It is a small step towards encouraging Serbs to return, and towards the building of a tolerant society that can provide security for all its minorities. But more still has to be done. Equally, parallel structures must go.

Finally, several have spoken about the process of privatization. I would like to express my Government's support for that process. We believe it is essential for the development of Kosovo's economy, which, as we have heard, is in difficulty. In that connection, we wish to urge prompt clarification of the legal position of Kosovo's transitional Administration.

The President: I would now like to make a brief statement in my national capacity.

I wish again to welcome Mr. Holkeri here in his first appearance before the Council as the Special Representative of the Secretary-General for Kosovo. I would also like to thank him for his briefing.

In particular, we welcome the start of the Belgrade-Pristina dialogue on practical matters, which opened on 14 October in Vienna. The beginning of that dialogue is a significant step towards improving regional relations and fulfilling one of the eight internationally endorsed standards. We commend the parties on both sides that participated in the opening of the direct dialogue in Vienna. We were disappointed, however, that some of the parties in Kosovo chose not to participate in the opening of the dialogue. We call upon all parties to fully participate in the follow-on working groups that will address practical issues. Making progress in the areas of transportation, energy, missing persons and the return of internally displaced persons and refugees will not only help Kosovo meet the standards; it will also provide tangible benefits for citizens in both Kosovo and Serbia.

To facilitate further dialogue, the United States reiterates its support for resolution 1244 (1999) and the Constitutional Framework for Kosovo. We will support efforts by the United Nations Interim Administration Mission in Kosovo (UNMIK) to transfer all non-reserved authorities to the Provisional Institutions of Self-Government in a timely manner.

It is also vital that the work plan to further operationalize the eight standards be completed in the near term. We hope the work plan will provide direction for Kosovo as it seeks to meet the standards. The Government of the United States will continue to offer technical expertise to UNMIK in developing the work plan, as needed.

The Council's last meeting on Kosovo, on 12 September, followed a series of violent attacks, including shootings that primarily targeted members of the minority Serb community and UNMIK law-enforcement authorities. We call upon all citizens of Kosovo to cooperate with UNMIK and the Kosovo Police Service in their investigation of those terrible crimes. Violence of any type will not be tolerated, and the rule of law must be respected.

I now resume my functions as President of the Council.

I give the floor to the representative of Serbia and Montenegro.

Mr. Šahović (Serbia and Montenegro): I would like to thank you, Mr. President, for convening this important meeting. I also thank the Secretary-General for his report (S/2003/996) on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK), which is before the Council.

Allow me to join Council members in thanking the Special Representative of the Secretary-General, Mr. Harri Holkeri, for his briefing and, even more, for the outstanding commitment to tackling the serious issues in Kosovo and Metohija that he has demonstrated in the short period since taking office.

We regret that at the very outset of his work Mr. Holkeri was confronted with the full extent of the violence, primarily ethnically motivated crimes, as well as attacks on UNMIK personnel. As the Secretary-General's report notes, the security situation in Kosovo and Metohija remains a cause for grave concern. The increased insecurity for minorities is undermining efforts to improve freedom of movement and to accelerate the return of internally displaced persons (IDPs) and threatens the process of normalization and the prospects for reconciliation in Kosovo and Metohija. The fact that no perpetrators have been identified in the recent crimes against the Serb community or — to the best of our knowledge — against UNMIK personnel further demonstrates the difficulties in the province. My Government therefore fully supports the priorities of the Special Representative of the Secretary-General in establishing the rule of law; improving the security situation, particularly for non-Albanians; promoting returns and minority rights; and strengthening economic development.

We appreciate the efforts of the Special Representative of the Secretary-General, as well as the support of the Contact Group and the broader international community, to launch a direct dialogue on practical matters between Belgrade and Pristina. Discussing practical issues to improve the daily lives of all inhabitants of Kosovo and Metohija and achieving measurable success in that respect would be the best means to foster confidence among the communities.

My Government regrets the fact that the representatives of the Government of Kosovo and Metohija did not participate in the meeting in Vienna on 14 October. Therefore, the Pristina delegation was not representative of all communities of the Province. Their representation at that meeting would have offered evidence of political will within the Government in Pristina to build functioning multi-ethnic institutions, which are the best hope for achieving the goal of a democratic society in the province. Hence, we expect the issue of multi-ethnic representation in the delegation of Kosovo and Metohija to be resolved with the commencement of the dialogue at the level of working groups. We also believe that the participation of authorized representatives on both sides, with the necessary authority to discuss and implement the agreed decisions, constitutes an essential prerequisite for the success of the working groups. Serbia and Montenegro stands ready to participate in the working groups as soon as their meetings are scheduled.

The report before the Council states that direct dialogue is one of the benchmarks that has to be met before addressing the status of Kosovo and Metohija. Along with the Security Council, we reiterate our support for the "standards before status" policy. It is of vital importance to clearly and measurably define the criteria for achieving the standards of a democratic, multi-ethnic Kosovo and Metohija. A lack of clarity in that respect could easily lead to differing interpretations of the level of attainment of standards, which in turn could pave the way for future misunderstandings and disagreements. We therefore welcome the announcement of the UNMIK mission performance action plan for the implementation of benchmarks and look forward to learning of its details in the near future.

The transfer of responsibilities to the Provisional Institutions is an issue closely related to the principle of "standards before status". We concur with the report's assessment that the ongoing transfer of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework provides the Provisional Institutions with the possibility to demonstrate their ability to ensure efficient and effective administration and their capacity to assume additional responsibilities. However, we note with concern that the Government of Kosovo and Metohija conditions its participation in the Belgrade-Pristina dialogue upon the transfer of the responsibilities reserved for the Special Representative of the Secretary-General. That has led to an initiative by the Provisional Institutions to revise the Constitutional Framework, with the aim of annulling the reserved competencies of the Special Representative listed in chapter 8 of the Framework. Such a move would obviously represent a completely unacceptable prejudgement of the final status of Kosovo and Metohija. It would defy the clear and repeated stance of the international community that the Belgrade-Pristina dialogue is to address practical matters only, leaving talks on the political future of Kosovo for a later stage.

In the report of the Secretary-General, some concerns were raised over the existence of so-called parallel structures. The statements we have just heard from Mr. Holkeri and several members of the Council echoed those concerns. Indeed, earlier this month, the

Organization for Security and Cooperation in Europe (OSCE) Mission in Kosovo and Metohija issued a rather lengthy report on the subject, as mentioned by the representative of Mexico. While stating that parallel structures can be detrimental to the rule of law in Kosovo and Metohija, the OSCE report also emphasizes that

> "A more pragmatic approach is needed by UNMIK, which might have to recognize the fact that some Kosovans, in the past, did not have any other reasonable choice than to approach Serb-run structures. Recourse to an UNMIK court or administrative body would have meant, among other things, risking their personal security."

Further on, the OSCE Mission report points out that the practice of arresting and convicting people for possession of forged documents, simply because they are issued by Serbian authorities operating in Kosovo, must cease. Also, the report is clear that the Serb-run hospitals and other health care facilities have proven necessary. The OSCE concludes that the Provisional Institutions, for example the Ministry of Education, Science and Technology, has to create conditions in the Kosovan schools that accommodate the needs of all communities, including Kosovo Serbs. I think that those conclusions of the OSCE provide some explanations regarding parallel structures.

Finally, we support the Secretary-General's assessment that the development of effective institutions of self-government in Kosovo and Metohija needs to take place in a context of improving contacts and cooperation with my Government. We share the view that relations between UNMIK and Belgrade have improved since the arrival of the new Special Representative of the Secretary-General. We are firmly committed to strengthening that cooperation.

I would like to conclude by reaffirming the commitment of Serbia and Montenegro to Security Council resolution 1244 (1999) and the Common Document signed between my Government and UNMIK on 5 November 2001. In the framework of those documents and other agreements between our authorities and UNMIK, the Special Representative can rely on our full assistance and support.

The President: I call on the representative of Italy.

Mr. Spatafora (Italy): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey, and the European Free Trade Association countries members of the European Economic Area Iceland, Liechtenstein and Norway declare that they align themselves with this statement.

We have carefully read Secretary-General Kofi Annan's new report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2003/996), and we have listened attentively to the comprehensive briefing by the Special Representative and Head of UNMIK. The European Union thanks Mr. Holkeri and commends the work he has done since he began his assignment on 13 August; it reaffirms its strong support for him in the challenging task of fully implementing Security Council resolution 1244 (1999), in which he can count on our continued assistance. The European Union urges all concerned in Kosovo and elsewhere in the region to cooperate in a constructive manner with the Special Representative of the Secretary-General, while refraining from unilateral acts and statements that risk jeopardizing the goal of a stable, multi-ethnic and democratic Kosovo.

The European Council of 16 and 17 October welcomed the launch of the direct dialogue between Belgrade and Pristina on practical issues, held in Vienna on 14 October, as a key benchmark in the international community's strategy of "standards before status", based on resolution 1244 (1999).

Because it addresses issues with a direct impact on people's lives, it represents an essential step towards normalization and further advancement in Kosovo towards European standards within the Stabilization and Association process.

The European Council has also expressed its disappointment that some of the key interlocutors had chosen not to attend. It has particularly stressed the importance of establishing technical working groups in November on energy, transport and communication, returnees and missing persons. To this end, it has urged both parties to make the necessary preparations and to engage constructively and unconditionally in this process on a multi-ethnic basis. It has also supported Mr. Holkeri's efforts in this direction.

The European Union is confident that technical talks in the working groups will begin soon, leading to concrete solutions. For that purpose, the European Union urges all parties involved, namely the representatives from the Kosovo Provisional Institutions of Self-Government, to fully commit themselves, thus making an essential contribution to the possibility of producing, as early as possible, tangible results. The European Union does not consider dialogue to be optional. We therefore expect both sides to engage seriously and constructively in the working groups.

The European Union fully shares the Secretary-General's conclusions that:

> "The ongoing transfer of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework increasingly provides the Provisional Institutions with the possibility to demonstrate their capacity to assume additional responsibilities, and their ability to ensure efficient and effective administration" (S/2003/996, paragraph 53).

The European Union encourages Kosovo's Provisional Institutions to strengthen cooperation and consultation with the United Nations Interim Administration Mission in Kosovo (UNMIK). In this respect, it welcomes the development of a work plan aimed at further operationalizing the "standards before status" strategy. Direct dialogue talks on practical issues should also be part of the work plan.

Much remains to be done in Kosovo to guarantee full respect for the rule of law and for human and minority rights, including adequate minority participation at both the central and local levels of Government. As noted in the Secretary-General's report (S/2003/996), Belgrade has again been requested to dismantle parallel administrative structures and replace them through cooperation with Kosovo's multi-ethnic Provisional Institutions.

The European Union reaffirms its strong condemnation of all acts of violence and intimidation in Kosovo, in particular those directed at minorities. Their only effect is to jeopardize the process of normalization and reconciliation. The return of minorities remains an essential benchmark in the framework of the "standards before status" strategy.

Allow us to conclude by saying that the European Union continues to be firmly committed to supporting Kosovo's economic recovery, which is indispensable for ensuring stability and development within that society.

The President: The next speaker on my list in the representative of the Ukraine.

Mr. Kuchinsky (Ukraine): As we are nearing the end of the month of October, which has been filled with many challenging events, I would like to congratulate you and your team on the forthcoming successful conclusion of your presidency of the Security Council. The decision to hold today's open debate is yet another example of the Council's active involvement in Kosovo activities.

It gives me special pleasure to welcome here the Special Representative of the Secretary-General, Mr. Harri Holkeri. A skilful master of political dialogue and compromise, Mr. Holkeri inherited the difficult task of facilitating political stabilization and multi-ethnic reconciliation in Kosovo. On behalf of the Ukrainian Government, I wish him every success in leading these processes to fruition.

Four years after the adoption of Security Council resolution 1244 (1999), the Kosovo case still reminds us that peace, in its broader sense, is not just an absence of war, but rather a state of mind, a disposition for benevolence, confidence and justice. Though the report of the Secretary-General (S/2003/996) of 15 October 2003 reflects many promising developments on the ground, I trust we all agree that the current period is one of the most sensitive and decisive for international efforts in the province.

An optimist sees an opportunity in every calamity; however, a pessimist finds a calamity at every opportunity. To avoid being trapped between these two controversial approaches, in assessing the general situation in Kosovo we think we should acknowledge that, for all its real and perceived failures, the international presence has achieved important results in laying a foundation for democratic transformations in the region. However, the situation will remain fragile and shaky unless the temptation to engage in internal political manoeuvres in Kosovo is replaced by a strong will and a strategic vision for a multi-ethnic society in which all its people can live in security and in dignity.

The international community's strategy of "standards before status", as was said by many representatives, provides the necessary framework for the practical and result-oriented work towards this goal.

We fully support the efforts of the Special Representative, Mr. Holkeri, aimed at implementing the benchmarks, improving the rule of law and security conditions, furthering returns and minority rights and promoting economic development.

We regret that the initial period of Mr. Holkeri's activities has been marred by a number of violent attacks directed against members of the Kosovo Serb community and United Nations Interim Administration Mission in Kosovo (UNMIK) law enforcement personnel. Ukraine deplores and condemns the acts of terrorism that have taken place in the last few months in the province and underlines that all such outbursts of hatred merely undermine the stabilization processes there.

The major challenge faced by Kosovar society is the lack of domestic inter-ethnic dialogue as a prerequisite for stability and civil reforms. The confidence-building measures in the region require proactive involvement from all possible actors, including the Provisional Institutions of Self-Government, local communities, the federal authorities of Serbia and Montenegro, UNMIK and the international and regional organizations and donors.

Against this background, my delegation welcomes the opening of a direct dialogue on practical issues of mutual interest between Belgrade and Pristina on 14 October in Vienna as an essential step towards normalization of their relations and the furthering of the region's advance to European integration. The role of UNMIK in facilitating and launching this dialogue is fully commendable.

However, we cannot but express disappointment that some interlocutors did not attend the meeting in Vienna, despite the Thessaloniki commitment. Therefore let me join previous speakers who called upon all parties on both sides to participate fully and without preconditions in the technical consultations as they move into expert-level working groups. Kosovo Provisional Institutions of Self-Government should realize that participation in such dialogue is their obligation.

Political stability in Kosovo requires democratic, stable and functioning local institutions. Thus, it is important to ensure that the transfer by UNMIK of non-reserved responsibilities listed in chapter 5 of the Constitutional Framework is conducted in an effective, gradual and controlled manner and that the Kosovo Provisional Institutions continue to adopt policies and legislation which address the concrete and urgent needs of the local population. In this regard, UNMIK has to retain its ability to effectively oversee the work of the Provisional Institutions in process and after the transfer, while maintaining full responsibility for reserved areas.

Much remains to be done to provide Kosovo with effective and sustainable judicial institutions and law enforcement structures. My delegation also believes that additional efforts should be made to fight terrorism and organized crime.

We also look forward to improving the current situation in the field of sustainable returns and minority rights. The latest assessment of the situation of ethnic minorities in Kosovo, made by the mission of the Organization for Security and Cooperation in Europe, indicates that

> "the changes noted ... are not yet fundamental enough to conclude that conditions would exist for large-scale return of ethnic minorities in the near future".

However, we believe that the concerted efforts of the international presence, in close cooperation with Belgrade and Pristina, will provide yet more impetus to push the process forward.

Being an active contributor to a Kosovo settlement, Ukraine reaffirms its commitment to promoting peace and security in the province and to ensuring its further stabilization, inter-ethnic reconciliation and recovery.

The President: I call on the representative of Japan.

Mr. Motomura (Japan): Thank you, Mr. President, for convening this open Security Council meeting concerning the situation in Kosovo. I thank Mr. Harri Holkeri, Special Representative of the Secretary-General, for his comprehensive briefing.

First, Japan welcomes the direct dialogue that began among the representatives of the Government of

the Republic of Serbia and of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the authority in Kosovo on 14 October in Vienna. We believe that the dialogue is the outcome of sincere efforts by the parties concerned and is an important step towards resolution of the Kosovo issue. We strongly hope that confidence between the parties will be built through continued dialogue, leading to a concrete agreement on the various issues Kosovo is facing. We also express our deep respect and thanks to Mr. Holkeri for his strenuous efforts to initiate the dialogue.

The Japanese Government considers that the Kosovo issue should be resolved based on resolution 1244 (1999) and the standards before status policy, and urges all the parties concerned to adopt a cautious and restrained attitude. Regarding the standards before status policy as the only tangible method for resolving the Kosovo issue, my Government has in the past provided humanitarian and reconstruction assistance, amounting to approximately $187 million, in a variety of areas, including refugee returns, housing and electricity.

We are carefully watching developments in relation to Kosovo, including this direct dialogue, and, in cooperation with the international community, intend to maintain our commitment to achieving the stability and prosperity of the South-Eastern European region, in the recognition that the stabilization of the situation in Kosovo is essential for that goal.

The President: I give the floor to the representative of Albania.

Mr. Nesho (Albania): Allow me, Sir, to express our sincere congratulations on your excellent work and the results achieved by the Security Council during the month of your presidency.

The Albanian delegation welcomes the presence of Mr. Harri Holkeri, Special Representative of the Secretary-General, and wishes him success in his important work, following the successful efforts of all his predecessors: the late Mr. Vieira de Mello, Mr. Kouchner, Mr. Haekkerup and Mr. Steiner.

The Albanian delegation commends the Secretary-General for his report and Special Representative Holkeri for today's comprehensive briefing. We emphasize Albania's consistent and comprehensive commitment to implementing resolution 1244 (1999) and to working together with all the countries of the region in order to achieve full democratic integration into the European Union and foster sustainable peace and stability in the Balkans.

Albania welcomes the beginning of dialogue between Pristina and Belgrade in Vienna, and encourages continued dialogue between the parties on technical cooperation issues in the priority fields defined by the United Nations. Kosovo's political institutions must understand that the process of cooperation between the two parties is the only way to establish a democratic and multi-ethnic society. Starting the dialogue demonstrates a great sense of responsibility. Kosovo's democratic institutions should set something new in motion by getting rid of the hatred and national division nourished by past totalitarian regimes. Dialogue means progress, not submission. It is a process that does not deny the legitimate and universal rights of peoples to self-determination and independence; rather, the power of reason and uncontested reality legitimizes it as irreversible.

The international community would probably have raised awareness of the need for dialogue better if the representatives of Kosovo's institutions had felt legitimate and entitled to represent their country and exercise their free will. The lack of full executive competences, which have not yet been transferred; the inability to accelerate the pace of privatization in order to ensure a free market economy; and the absence of a complete judicial framework for the economy and administration: these have psychologically influenced, and thus slowed down, a constructive dialogue.

The political situation and the forthcoming elections in both countries have resulted in the dialogue process being used for political and electoral rhetoric; in many cases it has been used for propaganda, declaring victory by one party over the other, in an attempt to reassert control and dominance. In his report the Secretary-General repeatedly and rightfully expresses concern over the existence of parallel structures in Kosovo and various pressures that have been hindering the creation of a multi-ethnic society. It will be difficult to consolidate a multi-ethnic society if one party cannot fully guarantee the freedoms and rights of minorities, and if the other will think and act under pressure as if it were not part of the society.

In some cases, certain Belgrade officials put pressure on independent United Nations institutions of justice to judge the leaders of political parties in Kosovo who were members of the international coalition against Milosevic's criminal regime, while there has never been a public apology for the monstrous crimes committed against the Albanian people of Kosovo — the mass graves, the genocide of the last century. Albanians in Kosovo can forgive, but they cannot forget. New messages of trust and confidence should bond the two countries.

Albania believes that the international community's request for implementation of the standards before status policy is a priority for Kosovo. Achieving it will show the seriousness of the Government of Kosovo about meeting its commitments for the future.

The Albanian delegation has repeatedly urged that representatives of the legal institutions of Kosovo be present at discussions about the duties of the Security Council and relevant matters under its consideration, so that they may better take responsibility for their own future. We regret to inform the Council that not only the citizens of Kosovo, but also the ministers of its interim Government, learn about Security Council positions and directives only through articles and editorials of the free media. Their presence as part of the delegation of the Special Representative of the Secretary-General would reinforce their sense of responsibility and their commitment to the successful carrying out of the United Nations mission.

The President: Since there are no further speakers on my list, I invite Mr. Holkeri to make any final observations or responses that he might wish to make to questions raised during the course of the morning.

Mr. Holkeri: In my presentation at the beginning of this discussion, I tried to follow the advice of Lakhdar Brahimi, who so wisely recommended three years ago in his report on United Nations peacekeeping reform, "The Secretariat must tell the Security Council what it needs to know, not what it wants to hear" (*S/2000/809, page x*).

I will try to answer some of the questions raised by the members of the Council and other speakers, following the order of the speakers.

First, I note Pakistani concern pertaining to the question of standards before status. However, the concept remains valid to me as long as the Security Council has not decided otherwise. In accordance with the decision of the Council, I intend to complete the transfer of non-reserved responsibilities to the Provisional Institutions of Self-Government by the end of this year. The reserved powers will remain my exclusive responsibility unless the Council makes a different determination. At the same time, I intend to involve the Provisional Institutions of Self-Government in some reserved areas, without transferring them. This will happen through the establishment of consultative mechanisms in different areas of administration.

With regard to the comments of the representative of Germany concerning benchmarks, we have been working on standards for four months in order to operationalize them. Specific goals and indicators have been devised. The indicators will permit the identification of the level of performance to be attained by local actors. Standards and indicators remain under the control of the international community and the United Nations Interim Administration Mission in Kosovo (UNMIK). My intention is to finalize the implementation plan by the time of my next visit to the Security Council.

The Ambassadors of Spain and the United Kingdom referred to the question of corruption. Let me assure them that the allegations are taken seriously and will be subject to thorough investigation. In this respect, administrative measures have already been taken.

The representative of Spain raised two other issues. His first question, about parallel structures, was also touched on by the representative of Serbia and Montenegro. Parallel structures continue to exist in the public sector in two areas: administration and service provision. That is detrimental to the rule of law and prevents the integration of Kosovo Serbs into the Provisional Institutions of Self-Government. In the first case, we will deal firmly with attempts to run a parallel government in Kosovo. In the other, UNMIK will take a step-by-step approach, replacing, for example, parallel schools and hospitals with Provisional Institutions of Self-Government structures when they can provide the same level of service. The issue of parallel structures is addressed in my contacts with Belgrade. Serbia must show its commitment to resolution 1244 (1999).

The other issue raised by the representative of Spain was that of returns. The rate of return has continued to accelerate, with a total of 2,653 returns so far this year, 845 of them being Serbs. This brings the total number of returns to 8,768. Kosovo Serb returns are 50 per cent greater this year than last. The situation of returns depends, of course, on security conditions on the ground and other conditions, not least job opportunities. That is why our priority tasks in this area are to improve the security environment and create the necessary economic conditions on the ground, in cooperation with local administrative structures.

The representative of Mexico wanted further information on two questions, the first of which related to the weapons amnesty. The amnesty conducted this year can hardly be considered a success. The number of weapons surrendered was very low — 150 or so. Of course, we must take into account the fact that it was the third exercise of that kind in Kosovo. But it must be noted that, parallel to the voluntary surrender of weapons, the Kosovo Force (KFOR) and UNMIK continue proactive measures, such as searches for illegal weapons and checkpoints. We have been quite successful in finding illegal weapons recently.

The other issue raised by the representative of Mexico was the question of Dubrava prison. On 4 September, inmates of that prison, which is Kosovo's largest detention facility, occupied and barricaded a prison block in protest against conditions and refused to return to their cells. When the prison guards, in an attempt to force them back to their cells, tried to enter the occupied block, the prisoners set fire to their mattresses. Five prisoners died and a further 16 were injured in the ensuing fire.

A police investigation into the incident was launched immediately, and an independent Commission of Inquiry consisting of international and local members has been established to look into its causes and to provide recommendations.

I should like to reassure the Permanent Representative of Bulgaria that the case of Valentin Krumov remains open. Any new information that comes to the attention of UNMIK police will immediately be communicated to the Bulgarian authorities.

In conclusion, let me say that the Permanent Representative of Russia and other speakers today highlighted the need to proceed energetically in the areas of housing security; law and order; improving conditions for the Serb and other non-majority communities in Kosovo; and advancing returns. I should like to reiterate that those issues remain my key priorities for the Mission.

The President: I know that I speak for all members of the Council when I say that we appreciate your having appeared before us and briefed us this morning and responded in such a forthright way to the various questions that were raised. We wish to commend you on the excellent start that you appear to have undertaken with respect to the exercise of your important responsibilities, and we know that the mission of leading the United Nations Interim Administration Mission in Kosovo is in extremely good hands.

The meeting rose at 1.05 p.m.